

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By **CHAIRMAN STEVE VICK**, on April 2, 2001 at 3:00 P.M., in Room 102 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Steve Vick, Chairman (R)  
Rep. Dave Lewis, Vice Chairman (R)  
Rep. Matt McCann, Vice Chairman (D)  
Rep. John Brueggeman (R)  
Rep. Rosalie (Rosie) Buzzas (D)  
Rep. Tim Callahan (D)  
Rep. Edith Clark (R)  
Rep. Bob Davies (R)  
Rep. Stanley Fisher (R)  
Rep. Dick Haines (R)  
Rep. Joey Jayne (D)  
Rep. Dave Kasten (R)  
Rep. Christine Kaufmann (D)  
Rep. Monica Lindeen (D)  
Rep. Jeff Pattison (R)  
Rep. Art Peterson (R)  
Rep. Joe Tropila (D)  
Rep. John Witt (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Paula Broadhurst, Committee Secretary  
Taryn Purdy, Legislative Branch

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Executive Action: SB 483, SB 489, HB 651, SB 338

**EXECUTIVE ACTION ON SB 483**

**Motion:** REP. KAUFMANN moved SB 483 BE CONCURRED IN.

**Discussion:**

REP. DAVE LEWIS asked how much funding would be involved with this bill. SEN. CHRIS CHRISTIAENS, SPONSOR OF SB 483, referred to the fiscal note. He stated there would be no general fund expenditures because it would be paid by the individual or block grant funds.

CHAIRMAN STEVE VICK asked where the cost information came from. SEN. CHRISTIAENS explained the information was developed by treatment providers.

CHAIRMAN VICK asked if this would change the current language. SEN. CHRISTIAENS said it would not.

CHAIRMAN VICK asked if they would be required to serve an additional thirty days in jail. SEN. CHRISTIAENS explained the treatments involved and he gave a history of the dependency center in Butte.

REP. STANLEY FISHER thought this would override the Department of Corrections by the volunteering of a boot camp type of facility. SEN. CHRISTIAENS gave clarifications to the amendments and the approval of departments involved. Susan Fox, Legislative Staff, explained the amendments and how they take out all of the language pertaining to fourth D.U.I.

REP. JOEY JAYNE referred to page three and asked for clarification of the provision. Susan Fox said the provision related to assessment, education and treatment.

REP. JAYNE referred to page five and asked about the monthly monitoring. Susan Fox said it was existing law.

REP. MATT MCCANN asked about the handout pertaining to treatment. Susan Fox said there were numerous facilities and the difference related to block grant funds.

REP. MCCANN asked if the Montana Chemical Dependency Center would be the exclusive facility. Susan Fox explained the funding available and there would be other facilities for treatment.

**REP. MCCANN** asked if there was funding through HB 2 to handle the offenders. **Susan Fox** said this was budgeted through the Alcohol Excise Tax.

**Motion:** **REP. KAUFMANN** moved SB 483 BE AMENDED.

**Discussion:**

**REP. DAVE LEWIS** wanted a clarification as to the treatment of 300 people. **Norma Jean Bowles, Proponent Testified during hearing,** explained a study from the auditor and how it was hard to clarify. She said there would need to be a payment plan.

**REP. LEWIS** asked about fourth time D.U.I. offenders. **Norman Jean Bowles** said the study was done on these offenders.

**REP. CHRISTINE KAUFMANN** thought there might be confusion with the third and fourth time programs. **SEN. CHRISTIAENS** explained the research that had been done with the programs.

**CHAIRMAN VICK** asked where the other 25% would go. **SEN. CHRISTIAENS** mentioned there were ten beds at the center already in use.

**CHAIRMAN VICK** asked what happened to the people who wouldn't be able to pay. **SEN. CHRISTIAENS** said they would qualify for Medicaid.

**REP. FISHER** asked if there would be enough officers to assist in these treatment facilities. **SEN. CHRISTIAENS** stated how many offenses Yellowstone County had in the last year and how they were able to utilize the officers.

**REP. FISHER** asked about the offender being able to keep their employment. **SEN. CHRISTIAENS** explained the out patient treatment program.

**REP. FISHER** wondered if this program would over shadow with fourth D.U.I. offenses. **SEN. CHRISTIAENS** answered yes, it would.

**Vote:** Motion carried unanimously.

**CHAIRMAN VICK** said a new fiscal note would be requested and they would not take any further action on this bill until it was received.

**EXECUTIVE ACTION ON SB 489**

**Motion:** REP. LEWIS moved SB 489 BE AMENDED. Amendments were handed out **EXHIBIT**(aph74b01).

**Discussion:**

**CHAIRMAN VICK** explained the amendments and changes added.

**Vote:** Motion carried unanimously.

**Substitute Motion:** REP. KAUFMANN made a substitute motion to segregate Sections One through Six of the amendments.

**Discussion:**

**REP. DAVE KASTEN** wondered about the language pertaining to chemical dependency. **CHAIRMAN VICK** explained the bill dealt with third time D.U.I. offenses and another bill dealt with fourth time D.U.I. offenses.

*{Tape 1; Side B}*

**REP. MATT MACCANN** asked if the program covered drug addictions. **REP. KAUFMANN** said it would expand the program to cover drug addictions including alcohol abuse.

**REP. JAYNE** stated the statutes were worded to include both drugs and alcohol.

**REP. EDITH CLARK** asked if an offender would be excluded from the program for having other substance abuses. **Jane Hamon, Office of Budget and Program Planning**, said the intent of the bill was to create a new program for D.U.I. prevention.

**REP. MONICA LINDEEN** asked if most programs were considered chemical dependency programs. **Norma Jean Bowles** answered both would be treated.

**REP. ROSIE BUZZAS** asked if federal funding would not be available if the program was called a chemical dependency program rather than an alcohol program. **Jane Hamon** said the federal government had funds available for D.U.I. prevention. **Joe Williams, Department of Corrections**, explained the process of applying for federal funding.

**Vote:** Substitute Motion failed 8-9 with REP. BUZZAS, REP. CALLAHAN, REP. HAINES, REP. JAYNE, REP. KAUFMANN, REP. LINDEEN, REP. MCCANN and REP. TROPILA voting aye.

**Motion/Vote:** REP. LEWIS moved SB 489 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 651**

**Motion:** REP. LEWIS moved HB 651 DO PASS.

**Discussion:**

REP. JAYNE asked about the amount of money available. REP. LEWIS said there was \$858,000 available and \$390,000 was coming out.

REP. JAYNE asked how much of the \$858,000 goes into the account. REP. KASTEN said for 2002 the amount was \$900,000. REP. LEWIS said if expenses rose 7% and revenue grew 5% they would be out of fund balance by 2007. REP. FISHER mentioned it would terminate in 2003.

REP. KAUFMANN asked about the fund balance and uses not directly related to the original purpose. REP. LEWIS explained the balance and the process of use.

***{Tape 2; Side A}***

REP. KAUFMANN hoped there were ways to fund the important needs in the state.

REP. HAINES questioned the dental program and thought the bill was good for the economy.

REP. PATTISON asked how the money would be divided between three programs. REP. LEWIS explained the amounts adopted previously.

CHAIRMAN VICK felt the bill set a bad example to raid funding. He thought the tax should be lowered and there should be general fund money available.

REP. BUZZAS didn't think the bill was effecting any existing laws.

**Vote:** Motion carried 12-5 with REP. BRUEGGEMAN, REP. JAYNE, REP. KASTEN, REP. PATTISON and CHAIRMAN VICK voting no.

**EXECUTIVE ACTION ON SB 338**

**Motion:** REP. KAUFMANN moved SB 338 BE AMENDED. Amendments were handed out **EXHIBIT** (aph74b02).

**Discussion:**

REP. BUZZAS supported the amendment and felt money would become available un the current program.

REP. FISHER opposed the amendment. He mentioned the Challenge Program and he felt the bill was not prominent.

REP. PATTISON felt the level was not appropriate.

REP. CALLAHAN asked if there would be authority to raise the level to 165%. **Mary Dalton, Bureau Chief for CHIP and Medicaid Services**, explained the administrative rule and if no additional funding was received the level would be left at 150%.

REP. LEWIS asked if a waiting list for children would have to be developed. **Mary Dalton** said there was a current waiting list. She explained the list.

REP. LEWIS said it seemed unfair for it to be raised to 165% when the waiting list was at 150%.

REP. CALLAHAN asked if the lists were developed statewide or regionally. **Mary Dalton** said they were developed statewide.

*{Tape 2; Side B}*

CHAIRMAN VICK asked if the bill would be a higher priority than K-12 if extra funding was available. REP. KAUFMANN answered no.

REP. MCCANN asked about higher costs of insurance. **Mary Dalton** said she did not have an answer for this question.

REP. MCCANN asked what the cost for the program was. **Mary Dalton** said it was \$1,412 per child, per year for the insurance.

REP. KASTEN referred to a newspaper article relating to an insurance program for low income families.

REP. KAUFMANN asked if the state and federal funding was general fund money. **Mary Dalton** said it was the state general fund.

**Vote:** Motion failed 6-12 with REP. BUZZAS, REP. CALLAHAN, REP. JAYNE, REP. KAUFMANN, REP. LINDEEN and REP. TROPILA voting aye.

**Substitute Motion:** REP. TROPILA made a substitute motion offering a conceptual amendment to make it 160% of poverty level.

**Discussion:**

REP. KASTEN asked what the coverage for a family of four would be. Mary Dalton answered approximately \$2,800.

REP. LEWIS said the subcommittee left \$850,000 in the budget to pay for elimination of the asset test.

**Vote:** Motion failed 6-12 with REP. BUZZAS, REP. CALLAHAN, REP. JAYNE, REP. KAUFMANN, REP. LINDEEN and REP. TROPILA voting aye.

**Motion:** REP. KAUFMANN moved SB 338 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. LINDEEN referred to page two and asked if the department would make medical decisions. Mary Dalton explained the benefits and language on page two.

REP. BUZZAS mentioned a family involved with the Children's Health Insurance Plan. CHAIRMAN VICK offered history on the program and how it began.

**Vote:** Motion carried 13-5 with REP. DAVIES, REP. KASTEN, REP. PATTISON, REP. WITT and CHAIRMAN VICK voting no.

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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REP. STEVE VICK, Chairman

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CECILE M. TROPILA, Transcriptionist

SV/PB

**EXHIBIT** (aph74bad)